



Senate

General Assembly

File No. 452

February Session, 2002

Substitute Senate Bill No. 412

Senate, April 11, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING RECORD RETENTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) The Chief Court Administrator may cause any and all court
4 records, papers or documents other than records concerning title to
5 land, required to be retained indefinitely or for a period of time
6 defined by (1) rules of court, (2) directives promulgated by the Office
7 of the Chief Court Administrator, or (3) statute, to be microfilmed. The
8 device used to reproduce such records on film shall be one which
9 accurately reproduces the original thereof in detail. Such microfilm
10 shall be considered and treated the same as the original records,
11 papers or documents, provided a certificate of authenticity appears on
12 each roll of microfilm. A transcript, exemplification or certified copy
13 thereof shall for all purposes be deemed to be a transcript,
14 exemplification or certified copy of the original. The original court

15 records, papers or documents so reproduced may be disposed of in
16 such manner as approved by the Office of the Chief Court
17 Administrator. For purposes of this subsection, microfilm shall include
18 microcard, microfiche, microphotograph, electronic medium or any
19 other process which actually reproduces or forms a durable medium
20 for so reproducing the original.

21 (b) [Any] Except as provided in subsection (c) of this section, any
22 judge of the Superior Court may order that official records of evidence
23 or judicial proceedings in said court, the Court of Common Pleas or the
24 Circuit Court, including official notes and tapes of evidence or judicial
25 proceedings concerning title to land, taken more than seven years prior
26 to the date of such order by any stenographer or official court reporter,
27 be destroyed by the person having the custody thereof.

28 (c) (1) In cases in which a person has been convicted after trial of a
29 felony, other than a capital felony, the official records of evidence or
30 judicial proceedings in the court may be destroyed upon the expiration
31 of twenty years from the date of disposition of such case or upon the
32 expiration of the sentence imposed upon such person, whichever is
33 later.

34 (2) In cases in which a person has been convicted after trial of a
35 capital felony, the official records of evidence or judicial proceedings in
36 the court may be destroyed upon the expiration of twenty-five years
37 from the death of such person.

38 [(c)] (d) All court records other than records concerning title to land
39 may be destroyed in accordance with rules of court. Records
40 concerning title to land shall not be subject to any such destruction,
41 except that official notes and tapes of evidence or judicial proceedings
42 concerning title to land may be destroyed. All court records may be
43 transferred to any agency of this state or to any federal agency in
44 accordance with rules of court or directives promulgated by the Office
45 of the Chief Court Administrator, provided records in any action
46 concerning title to land terminated by a final judgment affecting any
47 right, title or interest in real property shall be retained for not less than

48 forty years in the office of the clerk of the court location in which the
49 judgment was rendered. Any other Judicial Department books,
50 records, papers or documents may be destroyed or transferred to any
51 agency of this state or to any federal agency in accordance with
52 directives promulgated by the Office of the Chief Court Administrator.

53 (e) For the purposes of this section, "official records of evidence or
54 judicial proceedings" includes the court file from which no documents
55 have been removed, all exhibits from the parties whether marked for
56 identification or admitted as full exhibits and the transcripts of all
57 proceedings held in the matter including voir dire.

This act shall take effect as follows:	
Section 1	October 1, 2002

Statement of Legislative Commissioners:

In subsection (c)(2), "execution or natural death" was changed to "death" for conciseness, and in subsection (e), "unstripped court file" was changed to "court file from which no documents have been removed" for clarity.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Fund-Type	Agency Affected	Future
GF - Cost	Judicial Dept.	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would require the Judicial Department to retain certain records longer than it currently does. The agency would incur a minimal cost in the future for additional storage space.

OLR Bill Analysis

sSB 412

AN ACT CONCERNING RECORD RETENTION**SUMMARY:**

This bill extends the time period during which official court records of felony cases cannot be destroyed. When a defendant is convicted after a trial, (1) non-capital felony case records must be retained for at least 20 years from the date the case is disposed of or the defendant completes his sentence, whichever is later and (2) capital felony case records must be retained for at least 25 years after the defendant's death. Official records include the complete court file, exhibits, and the transcripts of all related proceedings, including jury selection. Under current law, a judge may order these records destroyed after seven years.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0